

R E M A R K S

Careful review and examination of the subject application are noted and appreciated. Please cancel claim 6 without prejudice. Please add new claim 24.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 4-8, and in the specification as originally filed, for example, on page 19, line 16 through page 23, line 19 and on page 26, line 6 through page 28, line 21. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Yonemitsu et al. (U.S. Patent No. 5,155,593; hereinafter Yonemitsu '593) in view of Yoneyama (U.S. Patent No. 7,106,800) has been obviated by amendment and should be withdrawn.

The rejection of claims 2-9, 11-20 and 22 under 35 U.S.C. §103(a) as being unpatentable over Yonemitsu et al. (Re. 36,999; hereinafter Yonemitsu '999) in view of Yoneyama and Senda (U.S. Patent No. 5,719,630) has been obviated by amendment and should be withdrawn.

The rejection of claims 10 and 21 under 35 U.S.C. §103(a) as being unpatentable over Yonemitsu '593 in view of Yoneyama and Adiletta et al. (U.S. Patent No. 6,101,630; hereinafter Adiletta) has been obviated by amendment and should be withdrawn.

The rejection of claim 23 under 35 U.S.C. §103(a) as being unpatentable over Yonemitsu '593 in view of Yoneyama and Mauro, II et al. (U.S. Patent No. 7,039,246; hereinafter Mauro) has been obviated by amendment and should be withdrawn.

In contrast to the cited references, the presently claimed invention (claim 1) provides an apparatus comprising (a) a first circuit configured to acquire a current picture, a first reference picture and a second reference picture, (b) a second circuit configured to generate a measurement of inter-picture motion between the current picture and the first reference picture by performing a global motion estimation process on the current picture and the first reference picture, (c) a third circuit configured to generate a control signal in response to (i) the measurement of inter-picture motion between the current picture and the first reference picture and (ii) a predetermined threshold value, (d) a fourth circuit configured to select either the first reference picture or the second reference picture as a better reference picture for subsequent motion estimation and motion compensation on the current picture in response to the control signal and (e) a motion estimation circuit configured to generate

one or more motion vectors in response to the better reference picture and the current picture, where the current picture is encoded based upon the one or more motion vectors. Claims 12 and 13 include similar limitations. The combination of Yonemitsu and Yoneyama does not teach or suggest each and every element of the presently claimed invention as required under MPEP §2143. As such, the presently claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Specifically, assuming, *arguendo*, the adaptive predictive circuit 58 in FIG. 5A of Yonemitsu could be considered similar to the presently claimed motion estimation circuit (for which Applicants representative does not necessarily agree), Yonemitsu does not appear to teach or suggest (a) a second circuit configured to generate a measurement of inter-picture motion between the current picture and the first reference picture by performing a global motion estimation process on the current picture and the first reference picture, (b) a third circuit configured to generate a control signal in response to (i) the measurement of inter-picture motion between the current picture and the first reference picture and (ii) a predetermined threshold value, and (c) a fourth circuit configured to select either the first reference picture or the second reference picture as a better reference picture for subsequent motion estimation and motion compensation on the current picture in response to the control signal, as presently claimed.

Yoneyama does not cure the deficiencies of Yonemitsu. In particular, Yoneyama is directed to an image signal decoder selectively using frame/field processing (Title of Yoneyama), and therefore, does not appear to deal with the selection of reference pictures for use in motion estimation and compensation in an encoder. Therefore, the cited references do not appear to factually establish a *prima facie* case of obviousness as required under MPEP §2143. As such, the presently claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

Claims 2-5, 7-11 and 14-23 depend, directly or indirectly, from either claim 1 or claim 13 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references and the rejections should be withdrawn.

New claim 24 depends directly from claim 1 which is believed to be allowable. As such, the presently claimed invention is fully patentable over the cited references.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between the hours of 9 a.m. and 5 p.m.

ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,

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c/o Lloyd Sadler
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